

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

JIMMY MACK PENTON	*	CIVIL ACTION
	*	
VERSUS	*	NO.: 08-3981
	*	
KEVIN GROS CONSULTING	*	SECT. "A" (3)
& MARINE SERVICES, INC.	*	

ANSWER TO COUNTER CLAIM

NOW INTO COURT, through undersigned counsel comes Kevin Gros Consulting & Marine Services, Inc., who answers the Counter Claim filed on behalf of Midstream Fuel Service, L.L.C., with respect avers:

1.

The Counter Claim fails to state a cause of action upon which relief can be granted.

2.

Answering the numbered allegations in the Counter Claim, Kevin Gros Consulting & Marine Services, Inc. denies each and every accusation.

3.

Kevin Gros Consulting & Marine Services, Inc. reaffirms and reavers each and every defense raised in its original answer to the plaintiff.

4.

Kevin Gros Consulting & Marine Services, Inc. denies any responsibility either to the plaintiff or Midstream Fuel Service, L.L.C.

WHEREFORE, after due proceedings had, Kevin Gros Consulting & Marine Services, Inc. prays that the Counter Claim filed against it on behalf of Midstream Fuel Service, L.L.C. be dismissed with prejudice; Kevin Gros Consulting & Marine Services, Inc. further prays for all such other general and equitable relief as the court may deem just under the circumstances.

Respectfully submitted,

/s/ Rufus C. Harris, III

HARRIS & RUFTY, L.L.C.

RUFUS C. HARRIS, III (#6638)

ALFRED J. RUFTY, III (#19990)

JILL S. WILLHOFT (#28990)

CINDY GALPIN MARTIN (#25159)

650 Poydras Street, Suite 2710

New Orleans, Louisiana 70130

Telephone: (504) 525-7500

Facsimile: (504) 525-7222

Attorneys for Kevin Gros Consulting & Marine
Services, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing pleading has been forwarded to opposing counsel via facsimile or other electronic transmission, this 1st day of December, 2008.

/s/ Rufus C. Harris, III
RUFUS C. HARRIS, III